

# **EXHIBIT 1**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

FEPA

EEOC

533-2021-01473

**Pennsylvania Human Relations Commission**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Dr. Mamta Gupta

Home Phone (Incl. Area Code)

312-852-6058

Date of Birth

1975

Street Address

City, State and ZIP Code

1755 Stevensan Drive,

Sewickley, PA 15143

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

No. Employees, Members

Phone No. (Include Area Code)

Allegheny Health Network

21,000

(412) 362-8677

Street Address

City, State and ZIP Code

320 E North Avenue,

Pittsburgh, PA 15212

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE

COLOR

SEX

RELIGION

NATIONAL ORIGIN

RETALIATION

AGE

DISABILITY

GENETIC INFORMATION

OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11/5/2019

9/8/2021

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)

Mamta Gupta, a 46-year-old woman from India, had been working for Allegheny Health Network since October 1, 2019, as a Radiology Resident Physician. Dr. Gupta's job duties consisted of reading all radiological studies (including CT, MRI, X- Rays and Ultrasounds); pre-procedural work ups for attendings; implementing imaging protocols, and clinical medicine, including weekend and night calls. Several attending physicians praised Dr. Gupta, both orally and in writing, for her academic achievements at national and international conferences in which she outperformed her peers. At the American Roentgen Ray Society (ARRS) 2020 meeting, Dr. Gupta was an invited oral presenter. In the ARRS 2021 meeting, one of her presentations was awarded a Certificate of Merit. Written evaluations by multiple other attending physicians stated that Dr. Gupta possessed good communication skills and a pleasant bedside manner.

Throughout Dr. Gupta's employment with Allegheny Health Network, she was never given any verbal warnings or any disciplinary actions. Each evaluation described Dr. Gupta's competency and commendable performance until a fictitious letter of deficiency (LOD), highlighting the workplace discrimination.

Regardless of her exceptional performance, Dr. Gupta experienced discrimination at Allegheny Health Network due to her national origin, age and gender. Dr. Gupta was treated differently than her peers based on her national

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origin, age and gender. Unlike Dr. Gupta, Charles Li, an American, male, attending physician in Radiology, younger than Dr. Gupta, was not punished regarding a questionable procedure.

Other Radiology residents, all non-foreign medical graduates, and younger than Dr. Gupta, were given preferential treatment. Dr. Gupta's direct supervisor was the Radiology Residency PD – William Peterson, an American man who is younger than Dr. Gupta. Dr. Peterson, discriminated against Dr. Gupta by not providing her with the technological resources to perform her duties equivalent to those of other residents. He further created a hostile work environment saying that she should "go back to India" at her age, and that he did not understand Dr. Gupta's accent, despite her high score on English proficiency examinations. In a single incident where Dr. Gupta and a male resident made a simple scheduling error, only Dr. Gupta was disciplined.

Additionally, an American ultrasound technologist in Obstetrical Medicine, Megan Miller, was given preferential treatment when Dr. Gupta voiced her concern about multiple delays in the imaging of emergency patients. Concerned about poor patient care, Dr. Gupta emailed Dr. Klepchick. The matter went to the Clinical Competency Committee (CCC). Rather than take corrective action against Megan Miller, the CCC issued a Letter of Deficiency (LOD) against Dr. Gupta, without ever interviewing her.

On February 2, 2021, Dr. Peterson, and the associate PD, Matthew Miller, met with Dr. Gupta to discuss the LOD. Dr. Gupta was able to refute each false statement in the LOD. After hearing Dr. Gupta's account, they agreed that Megan Miller, not Dr. Gupta, was at fault. However, Dr. Peterson explained that since the CCC had already issued the LOD, Dr. Gupta was required to sign it. Dr. Gupta complied with her supervisor's instruction.

Within a few days of the February 2, 2021 meeting, Mamta Gupta began experiencing severe connectivity issues with her work account, hampering her ability to perform. Dr. Gupta attempted to address these technical difficulties, but was told her account could not be fixed. This disparate treatment added to the stressful conditions in the already hostile work environment.

In March, 2021, Abdominal Radiology attending physicians were emailed a request to submit evaluations singling out Dr. Gupta. This created additional negative bias.

Despite the problems with her work account and hostile work environment, Dr. Gupta continued to perform well, receiving positive verbal feedback from various attendings on a daily basis. However the PD refused to grant Dr. Gupta access to her written evaluations. This was against hospital policy, which disallowed Dr. Gupta, a resident, from addressing any issues.

On May 11, 2021, the PD summoned Dr. Gupta to a meeting in the GME office. Without any prior notice, he handed her a termination letter lacking any probationary period. Dr. Gupta was told that she could either resign, or be terminated. Dr. Gupta was led to believe that by failing to resign, she risked Allegheny Health Network disseminating false information to damage her career, and chances for future employment as a radiologist in the United States. Dr. Gupta felt she was forced to resign rather than appeal the allegations against her.

Fearing for her future career, Dr. Gupta resigned. However, the PD continued to convey false negative reviews of Dr. Gupta's performance, including the circumstances of her constructive discharge with Allegheny Health Network.

Dr. Gupta's applications to several programs were rejected because Allegheny Health Network, and the PD in particular, supplied false performance evaluations and alleged that she was terminated while on probation. Dr. Gupta's actual performance evaluations refute these retaliatory falsehoods. She was granted access to review, but not copy, her evaluations only after the forced resignation. Allegheny Health Network has further retaliated

*Mamta Gupta*

against Dr. Gupta by pressuring colleagues to withdraw their support of her, or risk losing their own jobs. As a result, letters of recommendation required to further Dr. Gupta's career are not available.

Dr. Gupta's position at Allegheny Health Network was filled by a younger, American man.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – <i>When necessary for State and Local Agency Requirements</i>
I declare under penalty of perjury that the above is true and correct.  <u>11/01/2021</u> <u></u> Date Charging Party Signature	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)